

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FPI-12120	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/013758	International filing date (day/month/year) 21.09.2004	Priority date (day/month/year) 22.09.2003
International Patent Classification (IPC) or national classification and IPC B29C55/12, C08G59/42, C08L67/02		
Applicant NAKAMOTO PACKS CO., LTD.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>4</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/JP	Authorized officer																								
Facsimile No.	Telephone No.																								

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-36 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 4-10 _____ as originally filed/furnished
- nos.* 1-3, 11 _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-11</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-11</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-11</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>Document 1: WO 1998/044019 A1 (DJK Corporation), 8 October 1998, entire text & EP 984027 A1, entire text & US 2002/35218 A1</p>			
<p>Document 2: JP 2003-251673 A (Nakamoto Packs Kabushiki Kaisha), 9 September 2003, claims 5 to 7; paragraphs [0011], [0014] to [0021]</p>			
<p>Document 3: JP 7-292134 A (Showa Denko K.K.), 7 November 1995, paragraphs [0008], [0055], [0061] and [0065]</p>			
<p>Document 4: JP 7-290564 A (Showa Denko K.K.), 7 November 1995, paragraphs [0001] and [0012]</p>			
<p>The inventions set forth in claims 1 to 11 are not disclosed in any of the documents cited in the international search report, and are therefore novel. In particular, none of the documents discloses a feature wherein ethylene glycol cyclohexane dimethanol phthalic copolyester (b) and polyester elastomer (c) are contained as auxiliary raw materials which are essential components.</p>			

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The "□□□□□□□□□□" described on page 30,
paragraphs [0068] and [0069] and page 31, paragraph
[0070] is understood to be a typographical error for "□□
□□□□□□□□□□" or "□□□□□□□□□□".

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

PET pellets A1 used in embodiments 1 to 3 and PET pellets A2 used in embodiments 4 and 5, PET pellets A3 used in embodiment 9 and PET film S11 used in embodiment 11 do not contain essential component ethylene glycol cyclohexane dimethanol phthalic copolyester (b) or the essential component polyester elastomer (c) (see paragraphs [0051] to [0053], [0057] to [0061], [0065], [0067] and [0068], [0071] to [0073]). As a consequence, embodiments 1 to 5, embodiment 9 and embodiment 11 may not be described as embodiments of the inventions set forth in the claims.

In the PET pellets A2 used in embodiments 4 and 5, PET with an MFR value which does not fall within the range of 45 to 130g/10 minutes is not used as PET polyester (a) (see paragraph [0052]). As a consequence, embodiments 4 and 5 may not be described as embodiments of the invention set forth in the claims.

The PET pellets B1 used in embodiment 6, the PET pellets B2 used in embodiments 7 and 8 and the PET film S12 used in embodiment 12 do not contain ethylene glycol cyclohexane dimethanol phthalic copolyester (b) which is an essential component (see paragraphs [0051] to [0055] and [0062] to [0064]). As a consequence, embodiments 6 to 8 and embodiment 12 may not be described as embodiments of the invention set forth in the claims.

In the PET pellets A3 of embodiment 9, PET with an MFR value which does not fall within the range of 45 to

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Box No. VIII Certain observations on the international application

130g/10 minutes is used as PET polyester a (see paragraphs [0052] and [0053]). As a consequence, embodiment 9 may not be described as an embodiment of the invention set forth in the claims.

The PET film S14 used in embodiments 14 and 16 contains ethylene glycol cyclohexane methanol phthalic copolyester (b) in a greater quantity than stipulated in the claims (see paragraphs [0072] to [0072], [0076], [0078] and [0079]). As a consequence, embodiment 14 and embodiment 16 may not be described as embodiments of the invention set forth in the claims.

Paragraph [0067] contains the wording "high molecular weight/high melt tensile strength PET/polyester rubber/block copolymer film S11", but S11 does not contain polyester rubber.